

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 241 - SB 1324**

March 1, 2015

**SUMMARY OF BILL:** Repeals Tenn. Code Ann. § 16-2-518 that requires local governments to increase the funding for public defenders offices at 75 percent of any increase in funding for district attorneys general offices.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – Fiscal Review cannot reasonably determine the monetary impact to the bill. However, if the bill is enacted and local governments decide to cease funding to public defenders offices, there would be a reduction in assistant public defender positions and support staff positions as well as an increase in expenditures from the Indigent Defense Fund because more private attorneys would be appointed to represent indigent defendants.**

Assumptions:

- Under current law, local governments do not have to provide funding to the district attorneys office or the public defenders office in the local governments' jurisdictions. However, if a local government provides funding to the district attorneys office, then the local government must also provide funding to the public defenders office at no less than 75 percent of the funding provided to the district attorneys office.
- Based on information from the District Public Defenders Conference, there are 12 local governments across the state that provide funding to public defenders offices. The total funding from the counties is \$12,298,344.
- The bill would allow these counties to continue funding the district attorneys office, but not the public defenders office, which could result in a decrease in local expenditures. However, the local governments could just transfer the funds from the public defenders office to the district attorneys office, which would result in a net impact of not significant.
- If any of the counties providing the most funding to public defenders offices decide to cease funding, then there would be an increase in expenditures from the Indigent Defense Fund, as more private attorneys would be appointed to represent indigent defendants in that district. However, the local governments could continue to fund the public defenders offices, which would not cause any increased expenditures from the Indigent Defense Fund.
- For the aforementioned reasons, Fiscal Review cannot reasonably determine the monetary impact of the bill. However, if the bill is enacted and local governments decide to cease funding to public defenders offices, there would be a reduction in assistant

public defender positions and support staff positions as well as an increase in expenditures from the Indigent Defense Fund because more private attorneys would be appointed to represent indigent defendants.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

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